



COMMUNITY DEVELOPMENT DEPARTMENT

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PLANNING COMMISSION MEETING MINUTES

EARLY MEETING

DECEMBER 13, 2011

PRESENT: Mueller, Koepp-Baker, Tanda, Benich, Dommer, McKay

ABSENT: Moniz

LATE: None

STAFF: Assistant City Manager (ACM) Little, Interim Community Development Director (ICDD) Piasecki, Interim Community & Economic Development Administrator (ICEDA) Rowe, Senior Planner (SP) Linder, Senior Planner (SP) Tolentino, Associate Planner (AP) Golden, Assistant Engineer HA, and Development Services Technician (DST) Bassett

Vice-chair Benich called the meeting to order at 1:00 p.m.

DECLARATION OF POSTING OF AGENDA

Development Services Technician Bassett certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

OPPORTUNITY FOR PUBLIC COMMENT

Chair Benich opened, and then closed, the floor to public comment for matters not appearing on the agenda as none were in attendance indicating a wish to address such matters.

PUBLIC HEARINGS:

RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) PUBLIC HEARINGS FOR THE 2011-12 COMPETITIONS

APPLICANTS FOR THE FOLLOWING PROPOSED RESIDENTIAL DEVELOPMENTS HAVE REQUESTED A BUILDING ALLOTMENT UNDER THE CITY'S RESIDENTIAL DEVELOPMENT CONTROL SYSTEM, PURSUANT TO CHAPTER 18.78 OF THE MORGAN HILL MUNICIPAL CODE:

Rowe presented his staff report and discussed global issues.

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- a) **MEASURE C, MC-11-03: COCHRANE-BORELLO:** A request for a Residential Building Allocation for Fiscal Year 2013-14. The project is a 244 lot single family residential development on 122.1 acres located on the north side of Peet Road, west of Half Road. (APN 728-34-026)

Rowe: This project has competed twice before and has received allocations. They are competing again to request more allocations than they would have received from ongoing setasides.

Benich opened the floor to public comment.

Chris Borello appeared on behalf of the project: I would like to discuss the discrepancies in the Schools category. We believe that one point each should be awarded for category 2A and 2B. We received one point for these same categories in our previous competitions. Also, we dedicated this land as a school site. We have historically been awarded points for this. Nothing has changed.

Rowe: Staff has already indicated that they will look at this again.

Mueller: If staff has already said they will review an item again, you don't need to address that issue.

Mike Fletcher appeared on behalf of the project: First we'd like to address Lot Layout.

Rowe: Let me point out that Lot Layout has already been awarded the maximum number of points, so your request is for points in addition to the maximum.

Fletcher: There are additional items. Regarding Open Space, we are adjacent to the Historic Roads project and we believe our project will reduce traffic trips by at least 50 per day. We have designed streets and open spaces to reduce impacts to historical areas. We believe we should receive 2 points for 1B and 1 point for 1D. We were given specific direction by Planning staff; we have made the commitment and we believe we should get an extra point for meeting R values.

Koepp-Baker: We did a historical study in the City within the last 2 ½ years. Was this project not included in the study? And if so, why not?

Golden: That particular property is in the unincorporated area of the county, so it's outside the City boundary.

Koepp-Baker: So that means they don't qualify for the points for meeting the R-1?

Golden: The point requires them to preserve or increase a historic site. The plans don't show them preserving or increasing the historic areas.

Mueller: So if it's outside our City limits, we don't consider it?

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Golden: Correct. The question is, what are they doing to promote or enhance the historic context of the building?

Rowe: They are asking for points for adjacency.

Borello: We are going to build a circular drive around the large oak tree, which is adjacent to the Historic Roads property, in order to preserve it.

Benich closed the floor to public comment.

Benich: Just being adjacent to a historical site doesn't seem to merit a point. What about circulation efficiency?

Mueller: I don't believe we said we would be giving points for private streets. In this particular scoring criterion, they are asked to meet city standards for public streets, and they don't. We have said we would let them do private streets in their project, but we didn't say we'd give them a point for that. We've actually given them a concession in allowing them not to.

Benich: What Mr. Mueller is saying is that we've allowed them to design streets that don't meet city standards, but now they want to "double dip" and get points for that, right?

Rowe: Correct.

Mueller: We agreed that because it's a gated community and a planned development that we would allow private streets. But we didn't say we'd allow points for that.

Tanda: They say they have met the R values so they should get the points. But R values refer to structural and we don't really look at that. We're concerned with the widths, right?

Mueller: We look at both. But the criterion says they'll build to city standards and they're not doing that.

Rowe: The adjustments will probably move this project up in the 180 range. They're already a high scoring project.

b) MEASURE C, MC-11-05: MURPHY-KB CHELLINO: A request for a Residential Building Allocation for Fiscal Year 2013-14. The project is an eight lot single family residential development on 2.34 acres located on the east side of Murphy Avenue approximately 610 feet south of East Dunne Avenue. (APN 817-19-001)

This project was withdrawn from consideration.

Benich opened and closed the floor to public comment, as none were in attendance indicating a wish to speak.

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- c) **MEASURE C, MC-11-06: CONDIT-KB MILANO:** A request for a Residential Building Allocation for Fiscal Year 2013-14. The project is a 44 unit single family residential development on 9.35 acres located on the east side of Condit Road and west side of Murphy Avenue north of East Dunne Avenue. (728-17-018 & 022)

Rowe: We agree with the requested point adjustments for Safety & Security and we have already made those. We also agree that we will review the scoring of the landscaping.

Mueller: There is an existing easement that's being withdrawn as the project is completed that was awarded in the last competition but not in this one. It's item 2B.

Rowe: We will review that. Some of the applicants gave us their letters before we made all the scoring adjustments. We have made adjustments for items 1, 4 and 5, so it's now taken care of.

Benich opened the floor to public comment.

Ray Panek, Senior Vice-president of KB Home appeared on behalf of the project. We do have an item under Circulation Efficiency. The driveways for the townhomes are full a 20' wide. We have not changed that, so we should receive that point. The other item we'd like to mention is that we are a production company. This project is moving along very well. It's true, we are novices to this Measure C process. So there are no allocations for FY 2011/12. If we could get 44 units, we would be able to complete the project in two years. The other scenario is a 24 unit allocation and that would require us three years to finish. Under either scenario, we would have to swap allocations with our own, or another developer's project, to keep moving forward. We are asking for the consideration of the two points, because what we are asking for is not more than 125 percent of the previous allocations. We believe the project will build out according to our 24-unit scenario provided in our letter and spreadsheets.

Mueller: Did you have both your letter and spreadsheet in your application.

Panek: No, they were provided in response to staff's comments.

Benich closed the floor to public comment.

Benich: Let's look at each of the items starting with Orderly & Contiguous.

Mueller: Jim, if there is any indication in the October 1 application that they wanted to phase the project over two years, then I would be inclined to give it to them.

Benich: I agree.

Mueller: On the 20' clear view back up under Circulation Efficiency, can you explain how you made determination?

Creer: I made a mistake. I thought the driveways were covered parking, so they should get that point.

Mueller: Okay, thank you.

Rowe: So we will review Orderly and Contiguous to see if there was any indication they would be phased over two years. They are entitled to points under Circulation 1 g. We will review item 2d under Circulation. We've already made adjustments to Safety & Security and we've agreed to review Landscaping.

Tanda: Was there any indication in the file prior to October saying that they were going to phase the 44 units over two years?

Tolentino: I will have to check the narrative. If it wasn't in there, we won't be able to award the point.

Rowe: We did receive a letter that had some brief descriptions of the project, but I believe it was after October, so we'll have to review that.

- d) **MEASURE C, MC-11-07: DIANA-KB SHERIMAR:** A request for a Residential Building Allocation for Fiscal Year 2013-14. The project is a 92 lot single family residential development on 40.01 acres located on the south side of Diana Avenue with interior streets connecting to Bradford Way and Jasmine Way. (APN 728-18- 012, 728-19-001, 002, 003, 728-20-038, 728-20-037)

Benich opened the floor to public comment.

Ray Panek appeared on behalf of the project. Our intention is to use some of these allocations to trade with our Milano project so that we can backfill and keep that project going. We have asked for 56 units for this project, but we're not anticipating that. I believe 29 allocations would get us by.

Benich closed the floor to public comment.

[No comment or questions from commissioners.]

- e) **MEASURE C, MC-11-08: E. DUNNE-UCP:** A request for a Residential Building Allocation for Fiscal Year 2013-14. The project is a 24 lot single family residential development on 5.07 acres located on the south side of East Dunne Avenue and easterly and westerly extensions of Seville Drive. (APN 817-19-043)

Rowe: We do agree on the Natural & Environmental that staff will review the scoring.

Benich opened the floor to public comment.

Michael Cady of UCP appeared on behalf of the project. Our biggest issue is Orderly & Contiguous. This is an infill project. We don't have a lot of flexibility. Infill is encouraged by staff, so that should be a major point for us on this category. Regarding Lot Layout & Orientation, our letter outlines our reasons for more points. The third issue is Circulation & Efficiency.

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Benich: Under Circulation & Efficiency, what is the standard for streets? Is it 252?

Creer: It is a minimum standard of 252 that has been established. In the past it was less. It was 248. This project measure out to be 250, so it's two feet short.

Mueller: Is 252 in the narrative?

Creer: Yes.

Tanda: Is the reason for the 252 feet a Fire Department requirement?

Creer: I'm not sure.

Mueller: Given the nature of this project and how the circulation is set up, it seems that there was nothing that could have been done except to have a long cul de sac.

Rowe: Terry Linder, our Senior Planner, said there were recommended changes that could have been made but weren't, such as 1) balloon the median, 2) reduce the street length and create an open space area between Dunne Avenue and the cul de sac, and 3) transfer the Parcel B Open Space to the other end of the cul de sac.

Cady: There are staff recommendations. But there are reasons, such as hydrology, that kept us from doing them. We felt we met the spirit of the criteria for green space by creating open areas along Dunne Ave.

Steve Mulder, a resident of Sonora Ranch, an adjacent subdivision appeared: I am not opposed to the development of this land. I am opposed to the increased density. I am also concerned about the safety. Already Peppertree is very congested in the morning because of the Nordstrom school traffic. With school children and traffic, sometimes it takes two to three light cycles to get onto Dunne. Without there being a light on Pine, it will be very dangerous. They will go to Peppertree, which will make that intersection worse.

Mueller: Some of your concerns will be addressed in the process going forward.

Mulder: I just wanted to express a broader concern for the traffic plan.

Benich closed the floor to public comment.

Mueller: Is this project higher density like Mr. Mulder suggested?

Rowe: It is within the allowed density range, but some of the lots are smaller.

Mueller: So I think the points should stay as they are.

Tanda: I would like to hear the rationale on why 252 feet, instead of 250? There's only a 1 percent difference.

Benich: I'm inclined to give them the point for that.

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Mueller: I'm not.

Mueller: That should be an after competition discussion by the subcommittee, but they still should not get the point. It was in the narrative. Otherwise, every other project could ask for reconsideration.

Rowe: We can provide information on why 252 feet, but it won't change the score.

f) **MEASURE C, MC-11-09: HALE-SIGNATURE:** A request for a Residential Building Allocation for Fiscal Year 2013-14. The project is a 108 lot single family residential development on 30.3 acres located on the east side of Hale Avenue and southerly extension of Saffron Drive. (APN 764-09-012)

Rowe: We will be reviewing the School scoring for items 2c and 2d. And we already made the adjustment for Landscape.

Benich opened the floor to public comment.

Joe Zawidsky appeared on behalf of the project. We are going to be putting in a gravel access road and a path for the kids. All of this is in our application. According to Google Maps, our property is 0.94 miles away from the High School. There is access through Capriano from Saffron that gives us a path to the school.

Benich closed the floor to public comment.

g) **MEASURE C, MC-11-10: BARRETT-KHANNA:** A request for a Residential Building Allocation for Fiscal Year 2013-14. The project is a 24 residential unit vertical mixed use development with ground floor office and retail space located on 1.51 acres at the northeast corner of Monterey Road and Barrett Avenue. (APN 817- 02-014, 015 & 016)

Rowe: We do agree on Lot Layout that they should receive one point.

Mueller: Are we treating this not as multi-family but more as attached housing?

Rowe: The criterion states, "a 4 foot front setback variation is provided between the buildings."

Mueller: This is a single building. I don't think we've ever given the points for that.

Benich opened the floor to public comment.

Raj Khanna, owner of the proposed project, appeared: The city is in desperate need of rental units. We are the first to apply. The project needs these points to move forward. There are two points possible for project excellence. This project takes a blight area and improves it, so we feel we should get those two points.

Benich: Project Excellence will be awarded at a future time.

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Vince Burgos appeared on behalf of the project: We have five areas on Lot Layout we'd like consideration on. Regarding item 1e, the comment was that it doesn't work with residential. Vertical Mixed use is typically not in residential areas. This project is consistent with this type of product and other uses in the area. This project is not in a residential neighborhood. We feel that we've conformed so we're asking for that point. The pedestrian paths meet the criterion for Visibility & Access. The criterion does not state that it has to be driveways. Regarding the setback of four feet, it has been done in the past. The Urban Housing Communities project, the First Community Housing project on Dunne Avenue and the Jasper Park project all allowed the four foot setback.

Bill McClintock of MH Engineering appeared on behalf of the project: I'll speak on the Circulation Efficiency. On the adjoining site to the north, there is a long driveway that provides access to a medical office building and that connects to Church Street. We had asked the property owner to allow a connection to that so that we don't have to do a second driveway cut onto Monterey. It was our intention to show this connection, which would score better for circulation, although I'm not seeing it on the plans. Considering this is a blighted area and this is going to greatly improve the area, points should be awarded. We were also asking for a point for a landscaped island. It's not on the plans but it is in the text. In the past, points have been awarded for that.

Benich closed the floor to public comment.

Mueller: If it is in the narrative but not on the site plan, we have given points for that. Could staff check the narrative and see if a monument onto Barrett is there? But we can't give credit for the possible shared drive aisle because it was never mentioned or discussed with staff. I seem to remember that we haven't given a 4 foot variance on single building projects that are multi-family, not R-1 attached. Could you ask whoever scored that criterion to double check?

Rowe: Okay, we will check on Item B1.i under Circulation. And we will check on the 4-foot variance.

Benich: On Page 46 Item 2b, I have to agree with Mr. Burgos that this is a little different project and I'm inclined to give them the point for the private circulation areas with entrances visible from the public right-of-way.

Mueller: We've scored these types of projects before, so I would just ask staff to make sure we're being consistent. It could also be discussed as a post scoring item.

Tanda: What about Pg 44 Item 1d? On the map it doesn't look like any of the driveways are over 150 feet.

Mueller: That's not applicable to multi-family, that's only for R-1, residential.

Tanda: It doesn't say that. On the map it doesn't look like either one of the driveways is over 150 feet.

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Benich: That wouldn't apply here because it's a mixed use project, not single family residential.

Koepp-Baker: On page 48, item 4.4, why did we only give one point under Lot Layout & Orientation for the soundboard?

Rowe: The question is whether that one commitment was enough to get two points. Staff didn't feel it was.

Koepp-Baker: Sound minimization in a mixed use project, especially with commercial below, is very important.

Rowe: If you feel it's enough to merit two points, you could direct staff to look at that.

Benich: Can we give the point for the project fitting in with the development around it?

Mueller: It will be the biggest building in the area.

Benich: But will it be out of place?

Mueller: We should ask staff to take a second look at the sound boarding. We should also ask that they look at the criterion for mixed use versus residential. How does it fit in with surrounding uses?

Koepp-Baker: This is still a redevelopment area so fixing a blighted area is very good. Additionally, it is a rental project which is critical.

Rowe: We will review item 3a for the 4' variation, item B1.i the landscaped drive island; item 2b for past applications and item 4 for sound board insulation; and transitioning between the surrounding uses.

Tanda: I'd also like staff to review the 150-foot driveway length.

Benich called for a break at 2:57 and reconvened at 3:05.

h) **MEASURE C, MC-11-11: DIANA-BAGOYE:** A request for a Residential Building Allocation for Fiscal Year 2013-14. The project is 52 lot single family residential development on 12.15 acres located on the north side of Diana Avenue and westerly extension of Dakota Drive. (APN 726-09-009 & 010)

Rowe: We did not receive a comment letter on this project.

Benich opened the floor to public comment.

Vince Burgos appeared on behalf of the project: We would ask for consideration on Orderly & Contiguous. We were given direction to put the entry of this project on the south side of Diana, based on the fact that the future Walnut Grove would connect to

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Diana. We're asking that the stretch along Diana be re-evaluated because it will be very difficult to develop those lots due to shape and width.

Benich closed the floor to public comment.

Mueller: I don't know that any final decision has been made by the City about how to move Walnut Grove, so how can we award a point until Lot Layout is defined?

Benich: So we're going to pass on that one.

i) **MEASURE C, MC-11-12: DEL MONTE-BLACKWELL:** A request for a Residential Building Allocation for Fiscal Year 2013-14. The project is a 42 lot single family residential development on 8.3 acres located on the east side of Hale Avenue and southerly extension of Del Monte Avenue south of Llagas Road. (APN 764-21-027, 764-20-074)

Rowe: This project competed and received partial allocations in the last MC competition.

Benich opened the floor to public comment.

Vince Burgos appeared on behalf of the project: We are aggressively moving forward on this project. We have committed to paying double TDCs. So we feel we have met the requirements to get the points for conforming to Pg. 15, item 4c. The City's response is really relevant to 4b, not 4c.

Benich closed the floor to public comment.

Mueller: Are we clear about whether points should be awarded? Is R-1 4,500 equivalent to R2?

Rowe: It's really a matter of policy direction from the Planning Commission.

Mueller: If I recall, they wouldn't pick up six points. They'd only get three points because six is the maximum and they already have three.

Rowe: That's correct.

Mueller: I would prefer that this go to post scoring discussion.

j) **MEASURE C, MC-11-13: TILTON-UCP:** A request for a Residential Building Allocation for Fiscal Year 2013-14. The project is a 45 lot single family residential development on 7.87 acres located on the north side of Tilton Avenue east of Burnett School. (APN 712-09-001)

Rowe: In order for a project to pass Part I, they have to get a minimum of 7.5 points. This project scored seven points. That is primarily due to low scores for police/fire. But we should still look at Part II, in case they appeal to the City Council.

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Ha: In going over the comments from UCP, they are asking for another half point for gridding water. In Section 18.18.200.a of the Municipal Code, in order to get two points, they would have to grid the water system. What they're proposing is to loop the water between their two ties. That's not doing a grid system. We can talk to the Utility Manager to see if this could qualify for an extra half point. However, going over the sanitary system, if the existing sewer lines mitigate the taxing of the system, they could qualify for up to 1.5 points. We awarded one point but with a two-pump system, they might be able to qualify for 1.5 points. We need to look at the whole picture and see if it is prudent to give another half point. We'll have to check with the utility manager.

Benich opened the floor to public comment.

Scott Schilling appeared on behalf of the project. From a Police/Fire perspective, the project is right down the street from the El Toro station, so it should get extra points there.

Rowe: The project received ½ point for Fire and ½ point for Police. It's not eligible for two points because it's not within response time standards for two stations. It's not eligible for 1.5 because it's not within 115% of the second station. But because it is within the standard of one station it gets ½ point for Fire.

Koepp-Baker: Isn't this part of a larger city problem, in that we're approving projects that don't have emergency services available in a closer proximity.

Rowe: All areas within the city are within accessibility to one of the fire stations. But not all areas can be within 5 minutes of two stations.

Koepp-Baker: So these projects get penalized for that?

Rowe: It is part of the Part I criteria.

Michael Cady appeared on behalf of the project. Under Orderly & Contiguous, I attached the approved RPD to show that we have met those criteria. Under this category we received minus one. Conforming to an existing RPD is very difficult. But we have done that. Under Lot Layout & Orientation, we'd like to suggest an additional point for conforming to an existing RPD. Under private street design, we had this same street standard last year when we competed and we were given the point.

Benich: Why do you think you should get an extra point if it doesn't meet city standards?

Cady: Last year we received a point for the same street width of 29.5 feet.

Benich closed the public comment period.

Tanda: I wasn't aware we could award negative points.

Mueller: Yes, that's the one category where we can give negative points if we feel

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that project has sufficient problems. My question of staff is, was it downgraded because of the deficiencies in the design or because of the existing RPD? Can we mark it down for points given the fact that there's a guiding RPD document?

Tolentino: Staff felt there were two significant design flaws: 1) Inconsistency with the RPD which requires a specific acreage of open space at a particular area, and 2) extensive landscaping on the northern edge where there are agricultural uses. While the RPD does allow some flexibility in the development standards, those requirements were specifically put in place to address the transition to county agricultural land to the north. The applicant did go through preliminary Measure C scoring but they never addressed staff's comments, so it definitely does not qualify for two points. If the Commission feels there is flexibility, we would be amenable to zero points, but we still recommend negative one point due to transition, open space circulation and density.

Mueller: If you compare it to the existing RPD, how big are the discrepancies?

Tolentino: It requires landscaping along the north with buffering adjacent to the agricultural lane. It also requires a minimum of two acres of open space. The applicant makes reference to making that fix, but we can only score it for what was submitted by the deadline. Also, given that there were extensive comments and none of them were addressed, staff is recommending negative one.

Benich reopened the floor to public comment.

Cady: We were required to have two acres in the northeast corner. We have provided 1.75 out of the two acres required for that piece. That was deemed a major flaw by staff. We have also provided an additional three. That's not a major flaw. That's a fixable issue.

Rowe: This dovetails into the Lot Layout. Staff has stated that adding .25 acres would change the site, therefore it is a major flaw.

Cady: I attached the site plan to the RPD. If you look at that, you'll see it's relatively consistent.

Mueller: What is the distance from the property line to the first side yard? How much buffer is there?

Burgos: We kept the same design that was on the original RPD. On the north side of the property the RPD required a 50 foot buffer. We provided 61 feet.

Benich: That doesn't merit minus one point. [Staff concurred and asked for the project to be given 0 points.]

Benich closed the floor to public comment. What about Lot Layout & Orientation? They're asking for another point.

Mueller: There is still a lot of work to do on this project. The RPD overlay was meant to address global transition issues. So I'm inclined to leave it as is.

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Benich: We'll leave it as-is. They also make a case for the point under street widths because they were awarded it last year.

Mueller: Private streets are supposed to be built to city standards, correct?

Creer: There was a change to the city standards that happened sometime last fall, so now it's 30 feet for private streets.

Benich: If it got the point last year, why wouldn't we give it now?

Mueller: Because the standards have changed. You either meet the requirement or you don't, and this doesn't meet the requirement.

Benich: Let's add that to the list for post review.

k) MEASURE C, MC-11-15: TENNANT-GERA: A request for a Residential Building Allocation for Fiscal Year 2013-14. The project is a 12 lot single family residential development on 1.64 acres located at the northwest corner of Tennant Avenue and Church Street. (APN 817-04-009, 039, 049 & 054)

Rowe: The only item to be addressed is Orderly & Contiguous because Housing Types and Safety & Security have already been addressed by staff.

Benich opened the floor to public comment.

Scott Zazueta appeared on behalf of the project. Housing Types and Safety & Security have already been addressed and we withdraw the statement regarding Orderly & Contiguous. The project is an infill project and we feel it is a nice finish to surrounding uses. This project was to be phased over a couple of years, but I couldn't find a place to mark it in the narrative.

Rowe: That wouldn't change the score, but it could be taken into consideration during the allocation phase.

Benich closed the public comment.

l) MEASURE C, MC-11-16: MAIN-MORGAN LANE: A request for a Residential Building Allocation for Fiscal Year 2013-14. The project is being evaluated as the final phase of the Morgan Lane residential development. The previous phases of this development consist of 86 single family residential homes on 28.34 acres. This new phase is a 12 lot single family residential project on 3.64 acres located on the north side of East Main Avenue and south side of Called Siena approximately 400 feet east of Grand Prix Way. (APN 726-20-053)

Rowe presented his staff report.

Benich opened the floor to public comment.

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Rocke Garcia appeared on behalf of the project. This is the balance of the Kuwabara property. We will be putting in offsite improvements that will give us a walk-able route to school. Also, under Livable Communities, we should be awarded a point for Item 7.

Benich closed the public comment period.

Rowe: We will review the Schools item under Safety & Security.

Tanda: Did we use the proper scoring system, since this is the continuation of another project?

Rowe: That decision was made on Nov. 30, 2010, where you were the only dissenting vote. We felt obligated to score this as part of the Morgan Lane project. We need to decide if this should be considered as part of an ongoing larger development, or should it be scored as a Small Project with stand alone commitments?

Mueller: So we're scoring this as the final phase of the Morgan Lane project but it's still not scoring well and I don't know what to do about that. But it would probably score worse as a Small Project. If it's not inside the RPD when the application is filed, then it's not a phase of an existing project. As an example, Sherimar Ranch was originally five lots. They tried to compete individually and never made it. Now that they've been combined into one project, they've qualified for allotments.

Tanda: If this is part of the PD, then why aren't we considering it an ongoing project?

Mueller: Because construction stopped eight years ago. We were stretching it anyway because of extenuating circumstances.

Tanda: It seems this parcel will never get developed.

Mueller: We need to make sure that we say that you need to be in the original PD in order to be considered part of the project; otherwise, it should be a stand-alone project. Warmington should have included it as a remainder parcel in their PD and then we wouldn't have this problem.

Koepp-Baker: It was included in the Master Plan. We should treat this as an on-going project because as an infill project it's never going to be completed.

Rowe: Mr. Garcia already argued that, but City Council said no to it because under the definition of an ongoing project, it is not actively building.

Mueller: We should use the Sherimar Ranch model. You're either in the PD or you're not part of the project. You can't be an Open Market and a Small Project at the same time.

Rowe: We are going to be reviewing items 2a and 2b of the Schools category. We could also discuss items 2 and 3 of the staff report to look at the policy direction.

Tanda: If this was scored under the Small Project Category, rather than Open Market,

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would it have scored the same?

Rowe: No, as a stand-alone small project, it would not have scored as well. It would have scored lower. But if they knew that it was a stand-alone project, they might have made more commitments to make it competitive.

Benich closed the floor to public comment.

Rowe: So I would like to go back to our discussion of Item 2 and get direction. Mr. Mueller, you're saying that it should only be considered part of a larger project if it is part of the original PD?

Mueller: Yes. That's the clear cut way to do it and get coordination.

Benich: What would be the consequences?

Mueller: You get "project creep" where projects want to attach to an existing subdivision but they would not be part of the HOA and would not get to use their parks or amenities. Then everything becomes disjointed. It took Sherimar Ranch several years to work through the whole process.

Benich: That sounds reasonable.

Tanda: So if it's not included in the original plan, it becomes its own project.

Rowe: Staff will provide a written policy.

Tanda: I think this is unfortunate how this has turned out. We have put Mr. Garcia in a very difficult spot, because we said he could be considered part of a larger project. As an Open Market it placed tenth out of ten. As a small project it would have done much better.

Mueller: First, we didn't put him there. Applicant requested to be the final phase of Morgan Ranch. Morgan Lane was 86 units. If you add this 10 or 12, that would far exceed what has ever been considered a small project.

Tanda: We gave him direction that this should be considered as part of a larger, existing project and now we say that that's not how he should have applied. He asked to compete in the Small Project category.

Mueller: You can't double dip. You can't get the benefits of an 80 unit project, but compete against small projects. That's what he's asking for.

Rowe: Mr. Garcia submitted it as the final phase of Morgan Lane.

Tanda: And so that would be considered as Open Market, rather than Small Project?

Rowe: That's the question before you. To be eligible as a small project it would have to be evaluated as a stand-alone project, not as part of a larger project.

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Mueller: If you consider it as a Small Project, it's going to rank differently than as the continuation of a large Open Market project. That's comparing apples to oranges. The applicant asked to be considered as the final phase of an existing project and to get the points and benefits for amenities they installed. We have never allowed a 100-unit project to compete against small 12 unit projects. That wouldn't be fair. We kind of stretched and already allowed Mr. Garcia to compete as part of a larger pre-existing project.

Benich re-opened the floor to public comment.

Garcia appeared: The four acre property that the Kuwabaras wanted to keep as their homestead was going to be used by Warmington as open space. This project doesn't fit exactly as either a small or open market project. I approached the Commission about the project and I was directed that I would have to compete and that it would be as the continuation of an existing subdivision. RDSCS has some great attributes but for homebuilders it's a system that requires working around. There is no small project that can compete against a large project.

Benich: Did we tell you to submit this as a small project?

Garcia: Yes.

Mueller: You asked to be the final phase of Morgan Lane and that's what we agreed to treat you as so that you could take advantage of all the attributes provided by Morgan Lane.

Garcia: Then I should get the 183 points that they got. But the system has changed over time. I think we approached it the way we were directed to by the Commission and we did everything possible to get points.

Mueller: That's the problem with waiting eight years to develop after the rest of the property was done.

Garcia: We approached it the way we felt we were directed. I did everything possible to be competitive.

Mueller: But you didn't provide BMRs.

Garcia: I paid for BMRs to get points.

Benich: How many units are available for small?

Garcia: I believe it is 15, but we would take less than that and then get the rest later.

Mueller: I have a real problem with letting you add to an 80 unit project, giving you the benefits of that large project, but then letting you compete against small projects. That's not fair.

Garcia: I'm saying this is an anomaly in the RDSCS system, but that's why I approached the Commission for direction.

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Rowe: The initial pre-competition evaluation of this project was as a separate stand-alone Small Project. Mr. Garcia took issue with that and asked us to go back and look at it as an extension of Morgan Lane. He asked us to give comments based on that. So he received two sets of comments.

Tanda: He competed as Open Market, but can he now be scored as a Small Project?

Rowe: That's up to the discretion of the Commission.

Tanda: Do you know how they would have scored as a Small Project? If he scored over 160 he would qualify in the small project category and then he and the other Small Project applicant could both move forward.

Rowe: We can provide that information, but we base our comments on what was submitted at the filing deadline in October. So in some respects, that would be introducing new information after the deadline.

Mueller: If you re-scored it today as a Small Project with the commitments they have made, the score would probably drop dramatically.

Rowe: That's true.

Garcia: I think this issue occurred when Parcel 1 and Parcel 2 were created by the Kuwabaras. That's when an RPD should have been placed on the property.

Mueller: But even if we worked with the rule of it being within the RPD, it still wouldn't score enough because you basically got all the advantages now.

Garcia: But Warmington says they submitted it as an elbow cul de sac, just as we are doing now.

Mueller: If we leave the score the way it is as the final phase of an existing project, and we let the scores settle, we could maybe move allocations around so that everyone can get something. Let's see where things shake out.

Tanda: Have we ever given allocations for projects that have stalled?

Mueller: Yes, but those projects have existing allocations and have been given extensions. Their problem is just that they have financing issues.

Koepp-Baker: He's calling himself "Small Project: Final Phase of Morgan Lane." Mr. Garcia is a new owner. I don't think you can ignore that.

Mueller: Forget the title. You can't give him the benefit of a 100 unit project and then compete against other small projects. That wouldn't be fair to the other small projects. Let's see how we can manipulate the allocations. There are 159 allocations at stake. We may only have to draw five or six allocations from Open Market and that would get the project going.

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Garcia: We have said that we could take as few as four units. And we would put all the improvements in at the beginning.

Tanda: Would you have the ability to go back and re-score this project as a stand-alone?

Rowe: The problem is furlough. Staff won't be here to do that.

Mueller: On top of that, there is a major move with City Hall moving over to the DSC during that time.

Rowe: We can report back to you at the next meeting as to how the project would have scored as a stand-alone project, because we do have that information from the pre-competition.

RECESS:

Chair Benich called for a recess at 4:50 p.m. with the meeting to reconvene at 7:00 p.m.

REGULAR MEETING

DECEMBER 13, 2011

PRESENT: Mueller, Koepp-Baker, Tanda, Benich, Dommer, McKay

ABSENT: Moniz

LATE: None

STAFF: Assistant City Manager (ACM) Little, Interim Community & Economic Development Administrator (ICEDA) Rowe, Senior Planner (SP) Linder, Senior Planner (SP) Tolentino, Associate Planner and (AP) Golden

RECONVENE:

Vice-chair Benich re-called the meeting to order at 7:00 p.m., inviting all present to join in reciting the pledge of allegiance to the U.S. flag.

ORDERS OF THE DAY

Items 8 and then 7 were moved in front of Item 5.

MINUTES:

October 25, 2011

COMMISSIONERS MUELLER AND DOMMER MOTIONED TO APPROVE THE OCTOBER 25, 2011 MINUTES WITH THE FOLLOWING REVISIONS:

Pages 15 and 16: ~~PO-566~~ PL566.

Page 18, Para. 13: ...agreement with CalFire ~~in the~~ on Monterey Station.

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THE MOTION PASSED (7-0-0-0) WITH THE FOLLOWING VOTE: AYES: UNANIMOUS; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

November 8, 2011 COMMISSIONERS MUELLER AND DOMMER MOTIONED TO APPROVE THE NOVEMBER 8, 2011 MINUTES WITH THE FOLLOWING REVISIONS:

Page 6, Paragraph 13: ...and that's dependent on ~~flooding~~ **funding**.

THE MOTION PASSED (7-0-0-0) WITH THE FOLLOWING VOTE: AYES: UNANIMOUS; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

**OTHER
BUSINESS:**

Select members to serve as Chair and Vice-Chair for the remainder of a one-year term in accordance with City Council adopted policy.

**2)PC CHAIR/
VICE-CHAIR
SELECTION**

Rowe presented his staff report.

COMMISSIONERS MUELLER AND TANDA MOTIONED THAT VICE-CHAIR BENICH SERVE AS CHAIR AND COMMISSIONER DOMMER SERVE AS VICE-CHAIR

THE MOTION PASSED (7-0-0-0) WITH THE FOLLOWING VOTE: AYES: UNANIMOUS; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

**CONTINUED
PUBLIC
HEARINGS:**

**3)DEVELOPMENT
AGREEMENT
AMENDMENT(S):**

Three residential projects with existing development agreements are requesting amendment to their respective agreements to extend development schedule dates and insert language allowing for participation in the City's Below Market Rate Reduction Program. The Below Market Rate Reduction Program will allow for potential elimination of the Below Market Rate units or to pay an in-lieu fee.

- a. **DAA-05-01H: MISSION VIEW-MISSION RANCH**
- b. **DAA-05-02G: COCHRANE-LUPINE**
- c. **DAA-05-07G: WRIGHT-MANANA**

Linder presented her staff report.

Tanda: For Mission View, the Final Map submittal, building permit submittal and obtaining building permits are all the same date. Is that because the commence construction date is the "hard deadline" date?

Linder: Yes, the commence construction date is the use-it-or-lose-it date. It is the hard deadline. The other dates are performance dates.

Tanda: On the Mallorca project, they are required to get 110 Build It Green (BIG)

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points. The other two only required 90. Why is there a difference?

Linder: The difference is because when we originally set up the BIG program Council wanted projects to make a commitment. The date that these projects competed, they did not include BIG, so as part of setting up the BIG policy it was decided that projects that had already been through plan check only had to commit to 90 points. Projects which had yet to go through plan check had to commit to 110 points.

Mueller: The Mallorca project is an area that floods heavily when it rains. In terms of detention, are we going to be able to help that flooding?

Linder: The developer can speak more on that but I believe there will be a large detention pond that will hold the water now plus any from future development.

Mueller: The creek comes down there, not just the water from the hill. So the detention pond will be right next to the creek?

Linder: Until the water district does something else, the water will be held in the detention pond.

Benich opened the floor to public comment.

Dick Oliver appeared on behalf of Dividend Homes: Regarding Mission Ranch, if we don't get these extensions, we are going to have a real problem with the phasing of the infrastructure. We need the extensions to be in sync with the phasing. That is the reason for our request. For Alicante, the extension request is really just a safety valve. The last project, Mallorca, has been a stumbling block for us. Half of that project is scheduled to be acquired by the Santa Clara Valley Water District—about 2.5 to 3 acres along Wright Avenue. The only way we can get this approved is if we don't touch the creek. The SCVWD is not ready to do the improvements. We changed the design of the project and the detention will handle all the water that is on the site. It might not handle the water coming off the creek. The extension will give us the chance to get the new buyer on board. The reason we're not doing this project is because we can't get financing for it. We already have the two other projects and that's the most the bank will loan us money on. In fairness to the city we have gone out and found a buyer. They have already started SWPPP work on the site.

Benich: Is the detention pond a ten-year or 20-year flood.

Dick Oliver: It is designed to hold the water that comes off the project itself and from the hill behind the project.

Benich: Are you comfortable with the dates recommended by staff?

Oliver: Yes. I also should mention that the plans for Mission Ranch are ten years old. We have determined that we need new plans. We're in the process of getting those plans done and should be submitting by February or March.

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Koepp-Baker: If we have a really big rain like last year in October, will the detention pond be able to handle that?

Oliver: It will be able to handle some of it. What it can't handle is water that is backing up from the creek.

Koepp-Baker: Do you think the water problem is what is standing between you and funding?

Oliver: No.

Mueller: Is there a way we could make it so that we wouldn't have to extend these older allocations out so far? In the next year you're going to get more allocations and those are going to have to be pushed out farther too.

Oliver: There are only 15 units left to allocate on this project. So what we might do is hold off a year or two before asking for more allocations.

Mueller: That would really help to free up some allocations for other projects.

Moniz: How long did the water district hold up your project?

Oliver: About four. If we could have built this in 2007, we would have been done before the market crashed. Now they have said they're not ready to fix the problem yet, but we can go ahead with our portion.

Benich closed the floor to public comment.

COMMISSIONERS MUELLER AND KOEPP-BAKER MOTIONED TO APPROVE THE MISSION RANCH DEVELOPMENT AGREEMENT AMENDMENT

**THE MOTION PASSED(7-0-0-0) WITH THE FOLLOWING VOTE:
AYES: UNANIMOUS; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

COMMISSIONERS MUELLER AND KOEPP-BAKER MOTIONED TO APPROVE THE ALICANTE DEVELOPMENT AGREEMENT AMENDMENT

**THE MOTION PASSED(7-0-0-0) WITH THE FOLLOWING VOTE:
AYES: UNANIMOUS; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

COMMISSIONERS MUELLER AND KOEPP-BAKER MOTIONED TO APPROVE THE MALLORCA DEVELOPMENT AGREEMENT AMENDMENT

**THE MOTION PASSED(7-0-0-0) WITH THE FOLLOWING VOTE:
AYES: UNANIMOUS; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

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HEARINGS:

HEARINGS FOR THE 2011-12 COMPETITIONS

Benich opened the floor to public comment for people unable to attend the afternoon session.

Jason Long appeared to discuss MC-11-08, a project west of Sonora Ranch. I wanted to ask if Seville Drive will connect to the new subdivision, or will there be a physical boundary between the developments? If it will be extended to connect the two subdivisions, then I am opposed due to safety concerns, for potential lower home values and to the increased traffic.

Benich: You may go to the Planning Department and look at plans at any time.

Mueller: It seems like the project will connect Seville Dr. But this meeting is not about site review, this meeting is just for the competition to see who will get allotments. There will be several more meetings to stay engaged with the process.

Eric Francis appeared in opposition to MC-11-08: I would like to see a barrier between the two Seville Drives for safety concerns and to protect the HOA community.

Sheila Giancola appeared regarding the Cochrane-Borello project: I am the owner of the Historic Roads Ranch. I have concerns about how this project is going to leave us. We are in the county and they are in the city and we're left on an island by this project. I want to make sure you are aware of our property. We want to be kept informed as to what is going to happen there because it will directly affect us.

Mueller: I'm sure you're in our sphere of influence and also in the Urban Service Area (USA). You will need to stay in tune with the environmental documents and the RDCS process.

Benich closed the floor to the second public comment period.

4)DEVELOPMENT
AGREEMENT
AMENDMENT,
DAA-09-02:
CLAYTON-
O'BRIEN:

A request for a development agreement amendment to extend the commencement of construction deadlines for one year. The project consists of 7 units on an approximately 3.6 acre parcel on Clayton Ave, north of Peebles Ave (APN 726-48-012).

Golden presented his staff report.

Benich opened the floor to public comment.

Mr. David Baker appeared on behalf of the O'Brien Foundation: I haven't been able to make a deal with Signature Homes at this point. I'm still hoping to work through it. The street is already built and the final map is already recorded. I have permission to submit for site review. So once we have a builder we'll be able to move very quickly.

Benich closed the floor to public comment.

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Mueller: Our general rule is that we don't continue things two times in a row, but with the holiday we probably need to do this.

COMMISSIONERS MUELLER AND DOMMER MOTIONED TO CONTINUE ITEM 4 TO JANUARY 10, 2012

THE MOTION PASSED(7-0-0-0) WITH THE FOLLOWING VOTE:

AYES: UNANIMOUS; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

Benich called for a break at 7:57 pm and reconvened at 8:06 pm.

8) USE PERMIT,
UP-11-07:
CHURCH -
LEARNING &
LOVING
EDUCATION
CENTER:

The applicant is requesting approval of a conditional use permit to operate an educational, training and preschool facility within two existing buildings located at 16890 Church Street, Suites 16 and 16A. The buildings are part of the South County Industrial Park located on an eight acre parcel and zoned ML, Light Industrial (APN 817-01-042).

Tolentino presented her staff report.

Mueller: I visited the site earlier this afternoon and parking was a real problem. On- street parking was gone. If somebody was going to be dropped off, they were going to be in the travel for sure. Where is the parking?

Tolentino: It is behind the fence.

Mueller: How many spaces are reserved for the Learning and Loving Center?

Tolentino: There are roughly 54 spaces. Currently, it's not striped.

Benich: Is it dirt or paved?

Tolentino: It's a little of both.

Benich: It would be very hard to stripe at present.

Koepp-Baker: You're suggesting a one-way ingress and egress?

Tolentino: For drop-off and pick-up they would enter through Myrtle and exit through Church. All parking would be onsite.

Benich opened the floor to public comment.

Sister Pat Davis of the Loving & Learning Education Center appeared: There is one other item that came up. It was that we are being requested to install a grease trap under the sink. Our feeling is that since we do not prepare and serve any food—we rely on donated snacks—we're not producing any grease. To install a grease trap it would cost \$1,000. Could that be a consideration that is removed from the Conditional Use Permit?

Dommer: What happens to the food waste?

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Davis: It's cookies and fruit, so there is no grease.

Koepp-Baker: Does the residue go in the sink or in the trash?

Davis: It goes in the trash and a lot is recycled.

Koepp-Baker: The concern from the neighbor is that cars are queuing up in the street. Is there a way that students can be directed to drop off and pick up in a certain way?

Davis: Yes, we will certainly be doing that right away because that is an issue of safety.

Moniz: Do you ever have evening or weekend events? Are you satisfied with the hours that you are proposing?

Davis: We will occasionally have an open house, like on a Saturday once or twice a year.

Mueller: We could add a statement now to add to the resolution so that you're covered.

Benich closed the floor to public comment.

Moniz: Is the grease trap a building code requirement, or is that an option?

Tolentino: That is a requirement of the Pre-Treatment division in Gilroy. We could amend the language to state, "as required by the Pre-Treatment Department" so that if Pre-Treatment decides it's not necessary then it wouldn't be required.

COMMISSIONERS MUELLER AND MONIZ MOTIONED TO APPROVED THE CONDITIONAL USE PERMIT WITH MODIFICATIONS TO EXHIBIT A TO ALLOW ONE EVENT PER MONTH ON EVENINGS OR WEEKENDS, TO INSTALL A GREASE TRAP AS REQUIRED BY PRE-TREATMENT, AND FOR PARKING AND DROP-OFF TO BE ONSITE

**THE MOTION PASSED (7-0-0-0) WITH THE FOLLOWING VOTE:
AYES: UNANIMOUS; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

7)USE PERMIT,
UP-11-03:
ROLLING HILLS-
AT&T:

A request for the approval of a conditional use permit to install and operate a wireless telecommunications facility. The applicant proposes to install a 50' monopole mounted with 12 antennas and other associated equipment and 5 equipment cabinets located at ground level. The project is located at 2275 Rolling Hills Dr in an Open Space zoning district (APN 764-02-003). The project is categorically exempt under Section 15303 of the State CEQA Guidelines.

Golden presented his staff report.

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Koepp-Baker: As the lessee, the City will have oversight of this land and will be keeping track of it, in addition to the AT&T people?

Golden: Yes, AT&T visits at least once a month and our people go up there to maintain the water tank.

Mueller: Do they have to pull new power to support this?

Golden: I don't believe they have to pull new power; they'll just have to connect to existing PG&E lines.

Koepp-Baker: Were all the residences up there notified?

Golden: We noticed it in two different ways: We put it in the paper and we notified those properties within 300 feet of the site.

Dommer: How far away is the closest house?

Golden: The house that is closest is 450 feet.

McKay: Is there a possibility that any trees will have to be removed as a result of this?

Golden: There aren't many trees up there, and they're probably going to want to keep all the trees to maintain cover.

Dommer: Do they have to get other jurisdictions' permission to do this?

Golden: They probably don't have to get other local jurisdictions, but they are probably regulated by the FCC.

Kevin Bowyer of AT&T appeared to answer questions.

Dommer: Did AT&T do any noticing of neighbors in addition to what the City did?

Bowyer: No, we went through the City's noticing process.

Dommer: How do the airwaves going in and out of the tower affect the residents' TV and website access?

Bowyer: It has zero effect.

Mueller: Are you going to pull a new power line? I see an easement.

Bowyer: We're going to pull from existing power.

Mueller: Right at the site, or a new line.

Bowyer: A new line to Rolling Hills Drive.

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Mueller: How many antennas will this monopole support?

Bowyer: We're proposing 12 and I'm guessing it could support with co-location another 12 or so from other carriers.

Mueller: Would your power line be capable of supporting 12 more antennas?

Bowyer: Definitely.

Mueller: I would like to see a couple of trees planted to screen the equipment cabinets. You could work with staff on that.

Bowyer: AT&T has proposed adding some RU units equipment to the existing leasing area in addition to what was on the original proposal. They are about four feet tall. They improve the quality. The EMF/RF report we submitted does project on the worst case modeling.

Tanda: At what point does AT&T consider having one of those tree-looking towers?

Bowyer: A lot of the jurisdictions don't like the "mono-pines" because they fade over time and they don't look very natural, so we usually stay away from the mono-pines.

Tanda: What are you referring to when you say "jurisdictions"?

Bowyer: Other cities we have worked with.

Tanda: Have we considered these before?

Mueller: The ones we've done have actually been flagpoles and that has worked better. My suggestion is to actually put in trees to screen the cabinets.

Bowyer: AT&T is more than willing to put in vegetation.

Tanda: If you have this many ground level cabinets, are you going to want to protect them with fencing? And if so what kind would that be?

Bowyer: We don't have any proposed at this time. We had talked about fencing around the entire water tank but thought the visual impacts might be too big for that. If you would like to add a condition of approval for us to fence around the project, we would be willing to do so.

Tanda: No, I just thought AT&T would want to.

Dommer: I don't believe that the site plan shows all the neighboring properties. The reason I believe so is because a year or so ago I was interested in buying the last property beyond this road. I think as guardians of the neighborhood I would be nervous in approving this tonight without letting the neighborhood know what

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is going to happen here. I think there is diminution of the value of the houses that are closest to this tower. I think it behooves the City to let more than one house know what is in the works. I think people need to be given the choice.

Tanda: I agree with Jerry.

Koepp-Baker: So would I.

Benich closed the public comment period.

McKay: I certainly would feel better if there were a landscape program in place.

Mueller: Do you know how many property owners were notified?

Golden: There were five addresses that were given notification, plus what was in the newspaper.

Moniz: Have you received any calls?

Golden: I did receive a call from one of the neighboring properties who was very supportive of the project because he believes that the project will provide better service for him.

Moniz: Are there any guidelines or specific for monopolies? Or do you simply have to comply with the section in the Use Permit findings?

Golden: We have not generated any specific guidelines for telecommunication facilities.

Moniz: So their proposal conforms to our Municipal Code?

Golden: Correct.

Mueller: There is a condition to do some coloring of the monopole.

Golden: Planning Commission can add conditions for doing additional screening on the property with landscaping. I believe the applicant is willing to do that.

Benich: When you pull up the Google Map of this project and you look at where ten homes are, it is a huge area that has gone way beyond the usual noticing requirements.

Koepp-Baker: But people outside the normal noticing range can still see it.

Tanda: I'd still be inclined to agree with Commissioner Dommer. Do we have the time to do that?

Golden: If the Planning Commission wants to continue the item, you can do that but staff would like specific instruction on the radius for noticing that you want.

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Moniz: What would you typically use after 300 feet? 500 or 1,000?

Golden: Three hundred feet is the amount.

Mueller: That becomes problematic because if you start varying the notification level, then someone is going to ask why you did it one time and not another. There are rules for notification and we follow them.

Tanda: This is all visual so we need to give people notice who can see it.

Benich: I take exception. We've done more than we needed to do. People need the service. Let's get on with it.

Moniz: Was the temporary pole up during the period when the residents were notified?

Steve: It was up before we did the public noticing.

Moniz: So the residents got the letter but by the time they did, the model was gone?

Golden: Correct.

**COMMISSIONERS DOMMER AND TANDA MOTIONED TO CONTINUE
AGENDA ITEM 4 TO JANUARY 24, 2012 TO ALLOW MORE
NEIGHBORS TO BE GIVEN NOTICE**

Moniz: Are you suggesting that we re-notice?

Dommer: I can't answer that question. I'd like to see what went out.

Mueller: It's a simple card that says there's an application and if you want more information you need to go to the City and get that information.

Moniz: I think it would be suspect to change the City's noticing policies. So if we don't act tonight, what would be different?

Dommer: If you're out in a rural area and properties are five or ten acres and you do a 300 foot noticing, there must be other noticing laws?

Mueller: It's 300 feet from the property boundary.

Dommer: I just think it's reasonable to notice more properties when the properties are larger.

Mueller: I think it's setting a bad precedent. Plus, the City is closing for furlough, so I would like to move forward tonight.

Golden: There could potentially be a legal issue with re-noticing the item. If that's your motion I would suggest we take it to the City Attorney with your instructions

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for noticing the project because they are not consistent with what the code says.

Dommer: I agree.

Moniz: What are you asking for in your motion?

Dommer: I'm asking that the neighbors be given a reasonable notice describing the project. If it's a postcard I'm not sure that's sufficient. I get a ton of mail at this time of year.

Little: It's a letter, not a postcard. State law doesn't mind if we exceed mandatory noticing requirements; we just can go below them. So there's no need to consult with the City Attorney. But we do have policies set in place for noticing. If you want to do extraordinary noticing, you should develop some findings and set criteria for why in this case it would be required.

Benich: I think the continuance is a bad thing to do.

Tanda: I think it's a good thing to do. Just because it hasn't been done before doesn't mean it would be bad public policy to keep the public informed.

THE MOTION PASSED (5-2-0-0) WITH THE FOLLOWING VOTE:

AYES: MONIZ, DOMMER, TANDA, KOEPP-BAKER;

NOES: BENICH, MUELLER;

ABSTAIN: NONE;

ABSENT: NONE.

5)SUBDIVISION,
SD-11-08/
DEVELOPMENT
AGREEMENT,
DA-11-07/ZONING
AMENDMENT, ZA-
11-15: E. DUNNE-
CITY VENTURES:

Request for approval to rezone 3.8 net acres from CCR (Central Commercial Residential District) to PD (Planned Development with a precise development plan), subdivision map and a development agreement to allow the construction of 35 attached townhomes and 8 detached small lot single family homes for a total of 43 residential units. The subject property is located on the South East corner of E. Dunne Avenue and Church Street. The proposed development project is categorical exempt under Section 15332 of the State CEQA Guidelines-In-fill Development Projects, hence no environmental action is required. (APNs: 817-01-056 & 817-01-057)

Piasecki presented his staff report.

Mueller: There are no driveways on any of those properties. So all the onsite parking is being given up.

Piasecki: There is some onsite parking along the railroad tracks and tucked into a few other spots.

Mueller: If you look at the typical home, most time cars are parked in the driveway. So you're saying all those cars are going to have to park where guests would park.

Piasecki: We're saying these are smaller townhomes.

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Mueller: They're 2,000 square feet.

Piasecki: They have two car garages.

Mueller: Every house in Morgan Hill has a two car garage and they're always required to have a 20 foot driveway apron. Those are not here. So where's all the parking going to be?

Piasecki: You have the advantage that there's not going to be a break through onto church and there are about 12-13 parking spaces on the street as well as the parking onsite. These aren't conventional houses. They are townhome attached units and in staff's view it doesn't warrant the same type of requirements for a single family.

Mueller: Look at the homes that your dad built over on Dunne [Creekside Village]. The homes that face Dunne have parking on the street and they're still jammed up inside too. I think we have a major parking problem here.

Dommer: Is it okay with the zoning setbacks to have the garages basically at the curb?

Piasecki: Yes, with a planned development you can design this as you see fit.

Dommer: When you're backing out of that garage, you're not going to be able to see until you've pulled out about 7 to 8 feet.

Piasecki: It's no different than a home in an older subdivision.

Dommer: But this is now. It's a very tight plan.

Piasecki: The previous plan was worse.

Mueller: But the previous plan never went through this process. It got through RDCS and stopped.

Piasecki: The problem that we face as a community is that people go through the RDCS process and get allocations and then try to design to them and we shut them down later on. So maybe you can educate us on how you reconcile that. The plan that is being proposed is significantly better than the one that went through the RDCS process. The new plan integrates better with the neighborhood. It's a better design in terms of massing and height. The circulation is better and it enhances the design of Myrtle Avenue and improves both Church St. and Dunne Ave.

Moniz: How many other projects have a vesting tentative map going to City Council?

Piasecki: None. This is very unusual. In this case, because it's planned development, it would be inappropriate for the Planning Commission to approve the vesting tentative map. If Council ends up denying the development agreement and the precise development plan and we have a parcel that's mapped, we wouldn't be

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able to stop the final map.

Moniz: There are other PD's on file that have been approved and there will be some in the future, but none so far have gone before City Council for approval?

Piasecki: Correct, and I don't think that's good practice. In this case the Council ought to be able to weigh in on the vesting tentative map as well as all the other components of the application.

Moniz: Why?

Piasecki: Because it is possible that the Council could continue the application or deny the application and the applicant would have every right to file a final map, put lot lines down that can't be built and then we end up with a bunch of small lots that another developer would have to conform to.

Moniz: I did want to applaud you on using CEQA for the exemption. I think that's a good use.

Mueller: I'm not anywhere close to that. As near as I can tell this project violates nearly all the standards including the parking one that we've held everyone else's feet to the fire. Most of the lots are undersized. They don't meet side yards. Almost every lot has an exception for some reason and they're saying, "Well, that's the RPD." That's not the RPD. And then they want an exception on the processing. I'm having a lot of problem with this. It may be improved but it still has huge problems.

Benich opened the floor to public comment.

Phil Kerr appeared on behalf of City Ventures: It is important to understand the process that has gone on so far. We've been excited about this project since we started working on it. We originally set out to conform to the RDCS scoring and trying to maintain the points and also to meet the market. We put forward a plan that was a single family. It did not meet zoning, General Plan and RDCS scoring as previously submitted, so we were instructed by staff to go back and look at it as a multi-family project. We did that with a plan that included single family and duplexes. The duplexes do not meet the multi-family requirement per the zoning code. So we went back again and submitted a third time with a multi-family project using a combination of tri-plexes and four-plexes, as well as single family homes—while doing our best to conform to the original RDCS submittal. We do think this is a great project. There are three-story townhomes being built in Morgan Hill. The salesperson at KB Home said they have a very strong demand for those units. Everything is now two-story instead of three-story. We also got rid of tandem garages. The HOA for the project would have a requirement that the garages could only be used for cars. That's always a tricky issue and parking is always an issue. We've found in building communities similar to this that neighbors self-police. We also worked to enlarge the open space in the middle and to create a large green space. This is larger than we typically do on a project of this scale. This allows a mix of the density goals. The PD overlay is required by the zoning. We like the location because of the walk-ability. We think buyers will find this appealing. We

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are working with the city on undergrounding the utilities. We are also working with the bank of the current owner because of time constraints, to move this project forward with an approved Tentative Map.

Mueller: What is that timeline?

Kerr: It is Dec. 31st.

Mueller: This is ridiculous. Why are we just seeing it if you have a Dec. 31st deadline?

Kerr: Because we've brought it in twice before and have had to redo it.

Dommer: I have a real concern with the aesthetic quality of the project. When a homeowner comes home, they're not going to go through the front door. They're going to use the internal streets and all you have are garage doors. There are no sidewalks and no landscaping. It is really harsh. With a narrow street like that, it's going to be very difficult because people will be walking on it. It's too dense and you need to set the buildings back from the curb to allow for landscape.

Kerr: We focused our energy towards the front of the project that is on the street. To do that we tightened up the back. It's called an alley loaded home. The goal is to change the way people live, instead of seeing a row of cars parked in front of the homes.

Dommer: You've succeeded in making the streetscape nice for drivers and passersby. But the homeowner is not going to walk in their front door most of the time. Homeowners are going to get out of their cars. With no landscaping and no sidewalks, it's just too harsh.

Mueller: We have another problem. At some point, Dunne Avenue is going to be 15 feet below where that landscaping is. All that walkway is going to be way above grade because Dunne will go under the railroad tracks. Depending on how it's going to go, Church could even drop. I also have a problem with not being able to discuss the project because we're under the pressure of a deadline to act by the bank. I'd like to see this thing.

Kerr: I understand that fully.

Mueller: This will be one of the first projects to be completed in our downtown area and I'm not happy with it at this point. On top of that, the documentation we received had a lot of issues. There were problems with the standard conditions and the mitigation measures weren't included. The development agreement had similar problems. I also believe you haven't lived up to some of the prior commitments that are not design related, as far as the RDCS scoring is concerned. I think we owe it to City Council and our citizens to get these things worked out before it goes back to City Council.

Kerr: On the RDCS scoring, we did add some additional things such as solar units and we did make some tradeoffs to try to reach the same point total.

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Mueller: Yeah, but that's not the process we've used. When you buy the project you live with the commitments that are within the development agreement. We've had projects redesigned that go forward with that. But we've not allowed in-lieu fees and things like that to change. That's what's happening.

Kerr: One thing that would be helpful, in terms of adding things such as solar, would be to know how you weigh those cost benefits.

Scott Schilling appeared on behalf of the project: I am more disappointed than I have even been standing up here tonight. I've had some ugly times up here but this is really difficult for me because this project is critical. I called the City Manager because we've been through two or three iterations. I have tried desperately to get a good developer, which City Venture absolutely is. I've told the City Manager to buy this property because I can't build anything here. I finally got staff's support and then the Commission doesn't like it. I don't know what to do on this site anymore. I am at a loss. If you look at what we proposed in Measure C, it is almost exactly the same with seven less units. This project meets the multi-family parking standards for the City of Morgan Hill and it is almost exactly the same type of layout as you have in Madrone Plaza. You have alley loaded, two-car garages facing on both sides. The units access from the open space in the middle. It is the City's multi-family, alley loaded layout. We have been working on this for a year now. I don't know if we can ever get something approved here. We tried single family, we tried duets, and now we're back to almost the exact same thing we started with. Our previous Measure C application has 50 units on it. Maybe you need to look at it to be able to visualize the green space. That's seven more units on the site than what we have now. I'll do whatever we need to do to get something approved on this site. But I don't know where to go from here.

Benich: I am reminded of the Borello project that came in with a concept showing the direction they'd like to go, know that the Planning Commission couldn't approve the details. They asked for an indication of whether it was a good way to go or not. Maybe that's what you need to do.

Schilling: We tried that eight to nine months ago. It never got to the Planning Commission.

Moniz: Is the street section comparable to the project on Cochrane?

Schilling: Yes.

Moniz: Is it identical or just comparable?

Kerr: We have 30 feet, building to building.

Moniz: What do you have at Madrone?

Schilling: I believe we have 26 feet, curb to curb at Madrone.

Moniz: Have you had complaints from your HOA on that project?

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Schilling: Parking is always the biggest issue.

Moniz: Are the back-up dynamics an issue?

Schilling: Not that I'm aware of. And those are three stories back to back. This is one story less.

Tanda: I thought you had a deadline of September 31st. Is it actually December 31st?

Schilling: We have a lender that has an issue on December 31st, so we've been trying to get staff approval before then.

Koepp-Baker: Mr. Kerr said this is going to be an HOA that "self-polices." We had another HOA where alley parking was a very big issue. How do we know that this isn't going to happen here if there isn't additional parking?

Schilling: I believe the project right now exceeds the parking standards for multi-family in this zone.

Kerr: By one parking stall.

Schilling: The HOA has to control that in any multi-family situation. It's the same at Madrone Plaza.

Koepp-Baker: And so there are no problems that you're aware of?

Schilling: There are always parking problems, but the HOA controls and polices it very well.

Mueller: Both Creekside Village and the Terracina apartments fill the parking along Dunne with homeowners' cars.

Schilling: With multi-family, if you want more parking you have to start getting rid of units.

Mueller: Part of my frustration is that we have no time to study it and work with it and get it cleaned up before going to City Council. This should have been in front of us three months ago.

Schilling: We want to get this approved by Planning Commission, even if that means getting it continued. We want to make sure you're comfortable with it. My biggest concern is that if we have to start over, it puts us and the builder in a real bind.

Mueller: From my standpoint, I'm more than willing to work with you to resolve some issues, but we can't get it done tonight. I'm still not comfortable with all the exceptions to zoning. I'd still like to see a table that shows where standards are being met and where they're not. Alley loaded projects are interesting but there needs to be a more friendly garage side. This just feels like an alley.

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Kerr: As a developer, a project always gets better with input. The challenge is the big macro issues. We've been instructed to maximize open space. We can widen the alley but then it will squeeze the open space. That might be a trade-off worth making.

Mueller: How much open space are we talking about?

Kerr: It's about 10,000 square feet.

Dommer: What is the dimension of the building on the north to the building on the south?

Kerr: About 120 feet by 120 feet—the middle green and then some. We can make some adjustments and look at ways to incorporate these things. We are trying to create a multi-family project and move the densities up while still creating a product that there is a market for. We need a mix of density, adequate parking to meet the standards and then designing a product that is appealing. It's a very tough market. There is the design aspect of this and then there's the map. It's a tentative map, not a final map. But we have to be in agreement on the concept of the final product so that Council can find we're still in substantial conformance. What we're looking for is some certainty on the map.

Mueller: I want as many units as we can get because it's close to downtown. And I like the units facing on Church and Dunne. But as you drive around and get inside the project all you see are garages.

Kerr: I agree with you, there is some room for design change. But there are 43 garages, no matter how you slice it.

Mueller: Is there a way to push the garages in somehow so you're not just looking at garage doors?

Kerr: That's easy to do if you go into the green space. By tightening alleys you minimize the areas owned by cars. By widening alleys, it still is an area that provides access to a garage and it's paved. So it's a balance between those two.

Dommer: You might have to go to fewer than 43 garages.

Kerr: We submitted a plan with 36 but the feedback we got was that RDCS plan was 50 and that we needed to be closer to that. What we have now are really nice units. It's a home that will be received well by the market.

Piasecki: If they were able to vary the road similar to the original proposal and provide a little bit of landscaping, would that satisfy the Commission's need for less garage dominance?

Dommer: Staggering the buildings helps.

Benich: That would satisfy me.

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Moniz: If you stagger the buildings and break up the plane of garages and have a variance with the type of landscaping, there would be no unit loss.

Kerr: We're totally receptive to that. The reason we didn't do it was because we got called out on the setback. We then got too close on one corner to Dunne Avenue and that became an RDCS issue. It's a series of tradeoffs we're trying to balance. This plan is not something that was slapped together. It was a reaction to the impacts. And the one problem we keep running into is RDCS points. And we have to be mindful of sound attenuation near the railroad tracks.

Mueller: It's hard to sit here and design out your project. I really think we need to continue the project and get a better product.

Tanda: It seems we've made a lot of progress. Hopefully, you can explain that to the bank and they will accept that.

Schilling: I think that is helpful. My concern was that we were going to have to start over but this gives me something to go back to the bank with and ask for more time. If you give me a specific date then we will go to work to get things revised by then.

Piasecki: Would January 24th work for you?

Kerr: It would work for us. I can't speak for Scott and the planning situation. We're happy to continue working with staff and the Planning Commission, assuming that the basics are in place and we have some sort of encouragement in this plan for 43 units.

Kerr: If you could look at approving the Vesting Tentative Map that would be helpful toward the bank's assurance that there's a project.

Piasecki: I think that creates a problem, as I've already articulated and would undercut the Council's ability to make changes should they wish to. I don't recommend you go that way. Maybe we could report back on that on Jan. 24th, after talking to the City Attorney. A Vesting Tentative Map gives the right to record and the right to record gives you the right to build, yet there's no building plan. It seems wrong. But we can look into it. We can clean up the development agreement as well.

Bart Heckman appeared on behalf of South County Industrial park, which is the neighbor immediately to the south of the proposed development. South County Industrial Park is not opposed to the residential use of the property, the zone change or even the design of the units. Their concern is the interface between new residential development and an ongoing light industrial park across the street. One concern is the potential traffic conflicts between the trucks going in and out of the park and the garages backing out directly onto the street. The long term concern is that if ultimately the City will envision the industrial park going residential too. If you back load the street with garages and then you develop the other side with residential, it will be back to back garages and will be the ugliest street in Morgan Hill. One solution would be to make all the traffic be in the interior of the project.

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We actually feel the first plan solves the problem better so that homes can be accessed from Myrtle and Church.

Mueller: Is Myrtle a public or private street?

Heckman: Public.

Mueller: I thought I remember the Council vacating a part of Myrtle.

Heckman: That was Bisceglia.

Little: There are utilities on Myrtle and a future well site proposed at the very end so it would remain a public street.

Mueller: So I think we should continue it to Jan. 24th and get as much done before then as possible.

Piasecki: We've gotten a lot of direction tonight. But fundamentally, you're going to have an alley loaded project. I live on an alley with these exact same dimensions so it doesn't seem strange to me.

Mueller: What I have reacted to are solid garage walls in the public area. I'm not against getting creative while still maintaining the RDCS points. But it seems some things are being done here that have never been done before—and a commitment is a commitment. Mission Ranch was completely redesigned after it got it's allocations. So was Borello. We got much better projects out of them and we were able to still maintain the point totals.

**COMMISSIONERS MUELLER AND DOMMER MOTIONED TO
CONTINUE AGENDA ITEM NO. 5 TO JANUARY 24, 2012.**

**THE MOTION PASSED (7-0-0-0) WITH THE FOLLOWING VOTE:
AYES: UNANIMOUS; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

Benich called for a break at 10:20 p.m. and reconvened at 10:27 p.m.

**6)ZONING
AMENDMENT,
ZA-11-10/
SUBDIVISION,
SD-11-04/
DEVELOPMENT
AGREEMENT,
DA-11-04: WEST
DUNNE-
BENCHMARK:**

A request for the development of a 19 unit residential project (plus a secondary dwelling) on a vacant area of land including a zoning amendment to adopt a precise development plan for a Planned Development, tentative map approval to subdivide 14 lots (5 lots previously approved), and approval of a development agreement for the project. The project is located on 2.65 acres between W. Dunne Avenue and the northern terminus of Lone Hill Drive and zoned R2 3,500 RPD. A Mitigated Negative Declaration is proposed. (APNs 767-12-056, -058, & -059)

Golden presented his staff report.

Mueller: How many granny units will there be?

Golden: There is one that is being proposed as part of this project. It's not part of

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the portion that was taken through RDCS.

McKay: Is there a BMR reduction in this agreement?

Golden: Correct. If the project builds out by September 30, 2012, then the BMR will be eliminated. Then there are other buyout requirements.

Tanda: Can you address the concerns in the letter regarding traffic safety at that location on Dunne?

Golden: A lot of those comments have to do with circulation issues and safety. While this project has been going through the process, the W. Dunne Avenue improvement project has also been going on. That has significantly brought down the elevation of W. Dunne Avenue. This is an area where there was a hump in the road which caused limited visibility. But it has been brought down so safety has already been greatly increased. The project is not done yet, but it will be done by the time they build out this project. There are portions of W. Dunne that will include left turn lanes, so a lot of the safety issues will be mitigated by the widening of W. Dunne Avenue.

McKay: Did the issues with the unauthorized grading get resolved?

Golden: If you go out to the site, there has been some grading work done. A portion was approved by building permits. We're hoping that the project moves forward and the grading issues will be behind us at that point. The Building Division typically works with an applicant to keep things moving forward.

Benich opened the floor to public comment.

Kathy Campbell, owner of an adjacent property, appeared: I am concerned about the reduction of the rear and side setbacks. That would cause a problem for me and my neighbors that are in the Hidden Meadows complex. I also wanted to make sure that the toxic chemicals on the site were properly eliminated. Another concern is the enforcement of the noise ordinance during construction. During the W. Dunne widening sometimes construction was at 3:00 to 4:00 a.m. Also there have been bright lights and flashing lights that were unacceptable.

Becky Sorce, a resident on Lone Hill Drive, appeared: When we purchased the property in 1994, we were told that this property would be of equal or greater value to that of our own. I wanted to make sure that that is still going to be the case. I also am not sure if that sixth parcel on Lone Hill would be part of the W. Dunne section of the project. And I want to make sure there are retaining walls.

Scott Schilling of Benchmark Properties appeared: In laying out this site we wanted to make something special that would add value to the neighborhood. It is an infill project. We do have a lot of grades to deal with. It will be between 2 to 4 feet. But the final height will need to be based on design parameters for future Santa Teresa. We're still working on those. There will also be a sound wall. The chemical cleanup is under the foundations of the existing homes. Those need to remain. All those will be pulled out under proper permit with testing to make sure

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everything has been removed correctly. All of the material has been tested and will be tested again to make sure it's all gone. That's part of the mitigation.

Dommer: What was the toxic substance?

Schilling: It was chloridane. It was used for termite control. We've identified where it's at and how deep we need to go to clean it up. I believe the sight was blighted prior to this. We've spent a lot of time cleaning up the existing buildings. The site is a good location. The units are attractive with pleasing architecture. We have one location where we could do a granny unit above the garage. That's up to the Commission's discretion.

Benich: Will you be working with Public Works to finalize the size of wall that's going to be needed?

Schilling: We will do whatever size wall is required. It will be the same style as what already exists out there. It's a precast panel wall.

Benich: Is there a requirement to notify potential buyers about the Santa Teresa extension?

Schilling: Yes, we will have to disclose all that. We will be dedicating a portion of the property for Santa Teresa. We will also be stubbing sewer and water so the parcel with an existing home on it won't be landlocked, because a significant portion does get cut off by Santa Teresa.

Benich: How will you handle the construction noise?

Schilling: We will comply with the city ordinance. I live in Morgan Hill and I always get calls from Public Works if there is anybody starting early.

Benich: Is there a posted number to call?

Schilling: Residents call the police and they will come out and shut things down. Our biggest issue in construction is usually truck traffic in the middle of the night. They like to drop off their heavy equipment at 2:00 or 3:00 in the morning.

Creer: The Granite Construction yard for the W. Dunne project is located adjacent to the site. They also did the overlay for the City on Butterfield and Monterey. A decision was made early on to overlay Butterfield at night to lessen the impact to the community. As a result, they were running tractors in the early morning hours. They will be doing the overlay of Monterey during the day.

Koepp-Baker: So it was a city contractor working in the middle of the night?

Creer: That's right, to lessen impact to the community on a busy road.

Mueller: Why did we allow them to use a yard in the middle of a residential area, as opposed to putting it out near the freeway?

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Creer: It was there for W. Dunne Avenue widening. We coupled with the widening project some overlay work. If it was just an overlay project, we wouldn't normally have a yard,

Campbell: That was completely unacceptable and especially due to the fact that we had no notice.

Dommer: At the end of the drive with the stand alone garage, the setback looks to be about two feet. That seems to be inadequate.

Golden: That is one of the development standards exceptions that is being requested. One of the garages is set back 3.2 feet and the other one is five feet. Also, the granny unit does not meet the setback for a dwelling. It does for an accessory structure if you just have the garage, but not the granny unit above it.

Schilling: We need to put it where it's at, so if it's a setback issue we'll get rid of the granny unit.

Golden: For accessory structures, the site development standard is five feet to any property line.

Dommer: Is Santa Teresa higher or lower than the back of the properties.

Schilling: It's a little bit lower.

Creer: We have to come back up to meet the grade at Dunne Ave so we're not exactly sure what the grade will be—probably about 15 percent. We haven't established any hard grades yet.

Mueller: It seems those detached garages will be a pretty good noise break for the residences. I'd like to see them with granny units above them but I'm not sure it works in this case.

Dommer: What is the classification of the road?

Creer: It's defined in the city's circulation element as a two lane multi-mode arterial. It will be a two lane road with a meandering pathway on the westerly side. It will have a more of a rural feel.

Mueller: Will the trees along the Hidden Meadow site be retained?

Schilling: There are redwood trees on their side of the fence. There are no trees on our side. We did have to trim some of them back to put up a new fence.

Benich closed the floor to public comment.

**COMMISSIONERS MUELLER AND MONIZ MOTIONED TO APPROVE
THE MITIGATED NEGATIVE DECLARATION AND MONITORING
PLAN**

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**THE MOTION PASSED (7-0-0-0) WITH THE FOLLOWING VOTE:
AYES: UNANIMOUS; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

**COMMISSIONERS MUELLER AND MONIZ MOTIONED TO APPROVE
THE PRECISE DEVELOPMENT PLAN (ZA-11-10)**

Findings: This is an infill project that transitions well between the adjacent developments and it deals with issues of the Santa Teresa extension. Considering all the challenges we have on the site with grades, a future arterial, transitioning between single family residential and multi-family residential and not taking a through street to W. Dunne Avenue I am willing to give up some of the setbacks.

**THE MOTION PASSED (7-0-0-0) WITH THE FOLLOWING VOTE:
AYES: UNANIMOUS; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

**COMMISSIONERS MUELLER AND MONIZ MOTIONED TO APPROVE
THE SUBDIVISION (SD-11-04)**

**THE MOTION PASSED (7-0-0-0) WITH THE FOLLOWING VOTE:
AYES: UNANIMOUS; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

**COMMISSIONERS MUELLER AND MONIZ MOTIONED TO APPROVE
THE DEVLEOPMENT AGREEMENT (DA-11-04)**

**THE MOTION PASSED (7-0-0-0) WITH THE FOLLOWING VOTE:
AYES: UNANIMOUS; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.**

OTHER

BUSINESS: None.

**ANNOUNCEMENTS/
COMMISSIONER
IDENTIFIED ISSUES** None.

**CITY COUNCIL
REPORTS**

Noting that there was no further business for the Planning Commission at this meeting, Chair Benich adjourned the meeting at 11:22 p.m.

ADJOURNMENT

MINUTES RECORDED AND TRANSCRIBED BY:

ELIZABETH BASSETT, Development Services Technician